

1 **MOHAJERIAN INC.**
2 **AL MOHAJERIAN**, CSBN 185013
3 A Professional Law Corporation
4 1925 Century Park East, Suite 350
5 Los Angeles, California 90067
6 Tel: (310) 556-3800/Fax: (310) 556-3817

7 Attorneys for plaintiff MINDYS COSMETICS, INC.,
8 A California corporation

9
10
11 **UNITED STATES DISTRICT COURT**
12
13 **CENTRAL DISTRICT OF CALIFORNIA**
14

15 MINDYS COSMETICS, INC., a
16 California corporation,

17 Plaintiffs,

18 vs.

19 SONYA DAKAR, an individual,
20 DONNA DAKAR aka DANIELLA
21 DAKAR, an individual, KIA KAMRAN,
22 an individual, and DOES 1-10, inclusive.

23 Defendants.

24 CASE NO. **CV08-04459**

25 COMPLAINT FOR:

- 26 (1) INJUNCTIVE RELIEF;
27 (2) CANCELLATION OF
28 TRADEMARKS;
(3) COMMON LAW TRADEMARK
INFRINGEMENT;
(4) FRAUDULENT
CONCEALMENT;
(5) CONVERSION;
(6) LEGAL MALPRACTICE;
(7) BREACH OF FIDUCIARY
DUTY;
(8) CALIFORNIA UNFAIR
COMPETITION B&PC §§ 17200
et seq.;
(9) DECLARATORY RELIEF;

DEMAND FOR JURY TRIAL

MOHAJERIAN LAW INC
1925 Century Park East, Suite 350
Los Angeles, California 90067
TEL: (310) 556-3800 FAX: (310) 556-3817

1 Plaintiff Mindys Cosmetics, Inc., a California corporation ("Mindys"),
2 through undersigned counsel, hereby brings this action against defendants Sonya
3 Dakar, an individual, Donna Dakar, an individual, Kia Kamran, an individual and
4 attorney, and DOES 1-50 inclusive, for injunctive relief, cancellation of trademark,
5 common law trademark infringement, fraudulent concealment, conversion, legal
6 malpractice, breach of fiduciary duty, unfair competition, declaratory relief and in
7 support thereof, alleges as follows:
8
9

10
11
12 **I. PARTIES AND VENUE**

13 1. On information and belief, plaintiff Mindys Cosmetics, Inc. is a
14 California corporation with its principle place of business located at 605 8th Street,
15 San Fernando, California 91340.
16

17
18 2. On information and belief, defendant Sonya Dakar is an individual
19 residing at 9975 S. Santa Monica Boulevard, Beverly Hills, California 90212.
20
21

22
23 3. On information and belief, defendant Donna Dakar, also known as
24 Daniella Dakar, is an individual residing in Queens County, New York at 508
25 Hicksville Rd. Far Rockaway, New York 11691.
26
27
28

1 4. On information and belief, defendant Kia Kamran is an attorney
2 licensed to practice law in the state of California and is doing business at 10880
3 Wilshire Blvd., Suite 2070, Los Angeles, California 90024.
4

5
6 5. Defendants, named herein as DOES 1-~~10~~, inclusive, are named
7 pursuant to California Code of Civil Procedure section 474. The names and
8 capacities of the DOE Defendants are unknown to Plaintiffs and/or the specific
9 acts giving rise to the cause of action alleged against said Defendants are unknown
10 to Plaintiffs, who therefore sues said Defendants by such fictitious names. This
11 Complaint will be amended to show the true names and capacities of the DOE
12 Defendants when ascertained.
13
14
15
16
17

18 6. Plaintiff is informed and believes, and on that basis alleges, that at all
19 times mentioned herein, each named Defendant, and Defendants DOES 1-~~10~~, and
20 each of them was the agent, servant, employee, independent contractor, conspirator
21 joint venturer, or alter ego of his or its remaining co-defendants and acted within
22 the course of such agency, employment, or relation as servant, independent
23 contractor, conspirator, joint venturer, or alter ego in committing the conduct as
24 alleged in this complaint.
25
26
27
28

1 7. Jurisdiction in this court arises under the trademark laws of the United
2 States, 15 U.S.C. §§ 1119 and 1121. This complaint also alleges violations of state
3 law and common law. This court has jurisdiction over these claims pursuant to 28
4 U.S.C. §§ 1331, 1367(a) and 1332 based on diversity of citizenship. The matter in
5 controversy exceeds the sum or value of Seventy Five Thousand Dollars (\$75,000)
6 exclusive of interest and costs.
7
8

9
10 8. Venue in this court is proper under the provisions of 28 U.S.C.
11 §§1391(b) because at least one defendant resides in this district and a substantial
12 part of the events or omissions giving rise to the claim occurred in this district and
13 a substantial part of property that is the subject of the action is situated in this
14 district.
15
16
17
18

19 **II. FACTUAL BACKGROUND**
20
21

22 9. Mindys Cosmetics, Inc. ("Mindys") is the manufacturer, distributor and
23 marketer of skin care products bearing the SONYA DAKAR word and design
24 trademarks, Fed. Reg. Nos. 3375654 and 3384477, and the trademark THE
25 PROBLEM SKIN SPECIALISTS, Fed. Reg. No. 2436250.
26
27
28

1 10. This action arises from the wrongful appropriation, conversion and
2 registration of these trademarks by defendants Sonya Dakar, Donna Dakar and
3 Mindys trademark counsel Kia Kamran, Esq. Plaintiff Mindys Cosmetics, Inc.
4 alleges on information and belief that from 1980 through 1999, Israel Dakar
5 manufactured, marketed and distributed skin care products bearing the SONYA
6 DAKAR word and design trademarks. In 1994, Israel Dakar founded Mindys
7 Cosmetics, Inc. and Israel Dakar continued the manufacturing, marketing and
8 distributing of skin care products bearing the subject trademarks which was
9 continued by Mindys Cosmetics, Inc. in 1999. Since 1999, Mindys has
10 manufactured, marketed and distributed skin care products bearing the SONYA
11 DAKAR word and design trademarks on labels and packaging in close proximity
12 with the MINDYS COSMETICS trademark. Additionally, Mindys Cosmetics, Inc.
13 created and was the first to use THE PROBLEM SKIN SPECIALISTS trademark
14 in commerce and defendant Sonya Dakar's claims of first use in 1975 and first use
15 in commerce in 1982 on the registration for THE PROBLEM SKIN
16 SPECIALISTS trademark are false which further supports cancellation of the
17 trademark in defendant Sonya Dakar's name. Since 1999, plaintiff Mindys
18 Cosmetics, Inc. has always used the SONYA DAKAR trademarks and THE
19 PROBLEM SKIN SPECIALISTS trademark together on skin care products in
20 marketing and promotion to consumers throughout the United States. Plaintiff
21
22
23
24
25
26
27
28

1 Mindys Cosmetics, Inc. is the first to establish secondary meaning in the SONYA
2 DAKAR word and design trademarks and THE PROBLEM SKIN SPECIALISTS
3 trademark based on extensive advertising, promotion and marketing of the subject
4 trademarks throughout the United States.
5

6
7
8 11. Since 1999, Mindys Cosmetics, Inc. has spent substantial sums, in
9 excess of five million dollars, on advertising and marketing products bearing the
10 SONYA DAKAR word and design trademarks and THE PROBLEM SKIN
11 SPECIALISTS trademark in order to develop secondary meaning and single
12 source association in the minds of the public that Mindys Cosmetics, Inc. is the
13 source of skin care products bearing the subject trademarks. Mindys Cosmetics,
14 Inc. markets skin care products bearing the subject trademarks by placing its
15 trademark "MINDYS COSMETICS" in close proximity to the subject trademarks
16 on labeling and packaging in order to develop secondary meaning and single
17 source association in the minds of its customers. Additionally, the trademarks were
18 used on many different marketing and promotional items throughout Mindys'
19 business such as advertising and promotional materials, invoices, and on Mindys'
20 website. Mindys Cosmetics, Inc. was the first to establish secondary meaning in
21 the SONYA DAKAR word and design trademarks and THE PROBLEM SKIN
22 SPECIALISTS trademark and the ownership of the subject trademarks lawfully
23
24
25
26
27
28

1 resides with Mindys which seeks by this action to cancel the ill-gotten federal
2 registration and ownership of the subject trademarks in defendant Sonya Dakar and
3 to return ownership of the trademarks to Mindys Cosmetics, Inc
4

5
6 12. Plaintiff Mindys Cosmetics, Inc. alleges on information and belief that
7 Israel Dakar founded Mindys Cosmetics, Inc. in 1994 as a family business, initially
8 granting equal ownership in shares in the company to his four children, Natan
9 Dakar, Michal Dakar, Donna Dakar, and Yigal Dakar who initially each owned
10 25% of the outstanding shares in the company. In January 2002, the ownership of
11 shares in Mindys Cosmetics, Inc. was changed by assignment to reflect the
12 contributions of the individuals on behalf of the company so that Israel Dakar
13 owned 30% of the outstanding shares, Natan Dakar owned 30% of the outstanding
14 shares, Michal Dakar owned 30% of the outstanding shares and defendant Donna
15 Dakar owned 10% of the outstanding shares. Defendant Sonya Dakar was never a
16 shareholder of Mindys Cosmetics, Inc. At all relevant times alleged herein,
17 defendant Donna Dakar was a fiduciary and agent of plaintiff Mindys Cosmetics,
18 Inc.
19
20
21
22
23
24
25

26 13. Plaintiff Mindys Cosmetics, Inc. alleges on information and belief that
27 Mindys entrusted defendant Donna Dakar to register the SONYA DAKAR word
28

1 and design trademarks and THE PROBLEM SKIN SPECIALISTS trademark on
2 behalf of Mindys Cosmetics, Inc. and to assign ownership of the subject
3 trademarks to Mindys Cosmetics, Inc. Israel Dakar, the founder of Mindys
4 Cosmetics, Inc., and defendant Sonya Dakar were married and are currently going
5 through dissolution of marriage proceedings. Plaintiff Mindys Cosmetics, Inc.
6 alleges on information and belief, that defendant Sonya Dakar has wrongfully
7 influenced and caused defendant Donna Dakar to refuse to assign the ownership of
8 the subject trademarks to Mindys Cosmetics, Inc. As further evidence of
9 defendant Sonya Dakar's bad faith and undue influence, Mindys Cosmetics, Inc.
10 alleges on information and belief that defendant Sonya Dakar has also influenced
11 and caused Michal Dakar, daughter of Israel and Sonya, to refuse to transfer title in
12 real estate owned by Mindys Cosmetics, Inc., specifically, its corporate
13 headquarters and manufacturing facility located at 605 Eighth Street, San
14 Fernando, California. Mindys Cosmetics, Inc. has had to file a lawsuit in the
15 Superior Court of the State of California, County of Los Angeles, Case No.:
16 SC098571, seeking to quiet title of corporate real estate owned by Mindys
17 Cosmetics, Inc. which Michal Dakar has refused to transfer to Mindys under her
18 mother's instructions.
19
20
21
22
23
24
25
26
27
28

14. Plaintiff Mindys Cosmetics, Inc. alleges on information and belief that

1 in 2006, plaintiff Mindys Cosmetics, Inc. retained the services of defendant Kia
2 Kamran, Esq. to advise Mindys concerning trademark matters. At the same time,
3 defendant Kia Kamran, Esq. was representing defendant Sonya Dakar. Kia
4 Kamran, Esq. failed to obtain the consent of Mindys Cosmetics, Inc. with respect
5 to the waiver of any conflicts of interest that occurred as a result of the dual legal
6 representation of Sonya Dakar and Mindys Cosmetics, Inc. at the same time. An
7 actual conflict of interest arose in January of 2008, when Kia Kamran, Esq.
8 assisted and represented Sonya Dakar to obtain the registration of the SONYA
9 DAKAR word and design trademarks, Fed. Reg. Nos. 3375654 and 3384477,
10 without permission by Mindys. Defendant Kia Kamran, Esq. knew that he was
11 serving two masters, Mindys and Mrs. Sonya Dakar. Defendant Kia Kamran, Esq.
12 knew or should have known that Mindys was in the business of manufacturing skin
13 care products under the brand and trade name SONYA DAKAR. Defendant Kia
14 Kamran, Esq. knew or should have known that Donna Dakar was a minority
15 shareholder of Mindys and that she personally was not in the business of
16 manufacturing skin care products. Defendant Kia Kamran, Esq. knew or should
17 have known that Donna Dakar had the SONYA DAKAR trademark registration
18 under her name for the benefit of Mindys. Defendant Kia Kamran, Esq. knew or
19 should have known that Donna Dakar was not the President of Mindys and had no
20 authority to release the SONYA DAKAR trademark to Mrs. Sonya Dakar. Under
21
22
23
24
25
26
27
28

1 the instruction of Donna Dakar and/or Mrs. Sonya Dakar Defendant Kia Kamran,
2 Esq. caused the registration of the above-identified trademarks to be recorded in
3 Mrs. Sonya Dakar's name causing substantial damages to Mindys' intellectual
4 property rights in the SONYA DAKAR word and design trademarks and to
5 Mindys' investment in the goodwill, promotion, and marketing of the SONYA
6 DAKAR word and design trademarks in order to establish secondary meaning in
7 the marketplace. Furthermore, Defendant Kia Kamran, Esq.'s actions placed
8 defendant Sonya Dakar in a position to ask for licensing fees for use of the subject
9 trademarks when in fact defendant Sonya Dakar had never asked for, and did not
10 have the right to ask for, licensing fees from Israel Dakar or Mindys Cosmetics,
11 Inc. during the entire time period of use of the subject trademarks by either Israel
12 Dakar or Mindys Cosmetics, Inc. on skin care products manufactured, distributed
13 and marketed by them. Plaintiff Mindys Cosmetics, Inc. has demanded that
14 defendant Kia Kamran, Esq. return Mindys' client file, however, defendant Kia
15 Kamran, Esq. has refused to return the client file to plaintiff Mindys Cosmetics,
16 Inc., in violation of California's Rules of Ethics.
17
18
19
20
21
22
23
24

25 15. Additionally, plaintiff Mindys Cosmetics, Inc. is informed and
26 believes and on that basis alleges that defendant Kia Kamran, Esq. advised and
27 represented defendant Donna Dakar while at the same time representing plaintiff
28

1 Mindys Cosmetics, Inc. Kia Kamran, Esq. failed to obtain the consent of Mindys
2 Cosmetics, Inc. with respect to the waiver of any conflicts of interest that occurred
3 as a result of the dual legal representation of defendant Donna Dakar and Mindys
4 Cosmetics, Inc. at the same time. An actual conflict of interest arose on or about
5 January of 2008, when Kia Kamran, Esq. assisted and represented Donna Dakar to
6 obtain the registration of the THE PROBLEM SKIN SPECIALISTS trademark,
7 Fed. Reg. No. 2436250, without consulting with Mindys with respect to its
8 ownership interests in the above-identified trademark. Defendant Kia Kamran,
9 Esq. caused the registration of the above-identified trademark to be recorded in
10 Donna Dakar's name causing substantial damages to Mindys investment in the
11 goodwill, promotion, and marketing of THE PROBLEM SKIN SPECIALISTS
12 trademark. Plaintiff Mindys Cosmetics, Inc. is informed and believes and on that
13 basis alleges that defendant Kia Kamran, Esq. has advised defendant Donna Dakar
14 to refuse to assign the trademark THE PROBLEM SKIN SPECIALISTS to
15 Mindys Cosmetics, Inc., the lawful owner of the trademark. Plaintiff Mindys
16 Cosmetics, Inc. has demanded that defendant Kia Kamran, Esq. return Mindys'
17 client file, however, defendant Kia Kamran, Esq. has refused to return the client
18 file to Plaintiff Mindys Cosmetics, Inc.

1 **FIRST CAUSE OF ACTION**

2 **Injunctive Relief**

3 **(Against All Defendants)**

4
5 16. Plaintiff incorporates paragraphs 1-15 as if set forth fully herein.
6

7
8 17. Defendants Sonya Dakar, Donna Dakar, Kia Kamran, Esq. and/or
9 DOES 1-~~10~~'s wrongful conduct in depriving plaintiff Mindys Cosmetics, Inc. of its
10 rightful ownership of the SONYA DAKAR word and design trademarks and THE
11 PROBLEM SKIN SPECIALISTS trademark, and refusing to transfer ownership of
12 the subject trademarks to Mindys, unless and until enjoined and restrained by order
13 of this court, will cause great and irreparable injury to Plaintiff Mindys Cosmetics,
14 Inc. as Mindys is denied the lawful ownership of its trademarks and their use in
15 commerce.
16
17
18

19
20 18. Plaintiff Mindys Cosmetics, Inc. has no adequate remedy at law for the
21 injuries currently being suffered in that Plaintiff is being denied the lawful
22 ownership of its intellectual property rights to the subject trademarks and is being
23 denied the goodwill that Mindys Cosmetics, Inc. has spent substantial sums of
24 money, in excess of five million dollars, to establish in the marketplace and in the
25 minds of its customers.
26
27
28

1 19. As a proximate result of defendants' wrongful conduct, Plaintiff Mindys
2 Cosmetics, Inc.'s intellectual property interests in the subject trademarks, along with
3 Plaintiff's business have been damaged in an amount to be proven at trial. Plaintiff
4 will be further damaged in like manner so long as Defendants' conduct continues.
5 The full amount of this damage is not now known to Plaintiff, and Plaintiff will
6 amend this complaint to state this amount when it becomes known or on proof of the
7 damages.
8
9
10
11

12 **SECOND CAUSE OF ACTION**

13 **Cancellation of Trademarks - 15 USC §1119**

14 **(Against Defendant SONYA DAKAR and DOES 1-~~50~~)**

15
16
17
18 20. Plaintiff incorporates paragraphs 1-19 as if set forth fully
19 herein.
20

21 21. Plaintiff Mindys Cosmetics, Inc. is the lawful owner of the federal
22 trademark registrations for the SONYA DAKAR word and design trademarks,
23 Fed. Reg. Nos. 3384477 and 3375654, and the trademark for THE PROBLEM
24 SKIN SPECIALISTS, Fed. Reg. No. 2436250.
25
26
27

28 22. Plaintiff Mindys Cosmetics, Inc. alleges on information and belief that

1 from 1980 through 1999, Israel Dakar manufactured, marketed and distributed skin
2 care products to customers bearing the SONYA DAKAR word and design
3 trademarks. In 1994, Israel Dakar founded Mindys Cosmetics, Inc. and continued
4 the manufacturing, marketing and distribution to customers of skin care products
5 bearing the subject trademarks which was continued by Mindys Cosmetics, Inc. in
6 1999.
7
8

9
10 23. Since as early as 1999, Mindys Cosmetics, Inc. has used the subject
11 trademarks in interstate commerce on skin care products manufactured, packaged,
12 and distributed to customers bearing the MINDYS COSMETICS trademark in
13 close proximity to the subject trademarks.
14
15

16
17 24. Plaintiff Mindys Cosmetics, Inc. alleges on information and belief that
18 it has spent substantial sums of money, in excess of five million dollars, on
19 advertising and promotion to promote the skin care products bearing the subject
20 trademarks, along with the MINDYS COSMETICS trademark, in order to create
21 secondary meaning and single source association in the minds of the public with
22 respect to the subject trademarks and the MINDYS COSMETICS trademark.
23
24
25

26
27 25. Plaintiff Mindys Cosmetics, Inc. alleges on information and belief that
28

1 defendant Donna Dakar, and/or DOES 1-~~50~~ and each of them, while shareholders,
2 agents and employees of Mindys Cosmetics, Inc., and in breach of their fiduciary
3 duties to Mindys Cosmetics, Inc. wrongfully and/or fraudulently conveyed the
4 subject trademarks to defendant Sonya Dakar, and/or DOES 1-50 and each of
5 them, who then sought and obtained registration for the subject trademarks in her
6 name alone.
7
8

9
10 26. Plaintiff Mindys Cosmetics, Inc. alleges on information and belief that
11 it is the lawful owner of the subject trademarks and seeks the cancellation of
12 trademark registrations bearing the SONYA DAKAR word and design trademarks,
13 Fed. Reg. Nos. 3375654 and 3384477, and the trademark for THE PROBLEM
14 SKIN SPECIALISTS, Fed. Reg. No. 2436250 and that the ownership of the above-
15 identified trademarks be transferred by judgment in this action pursuant to 15 USC
16 § 1119 to Mindys Cosmetics, Inc.
17
18
19
20
21

22 THIRD CAUSE OF ACTION

23 **Common Law Trademark Infringement**

24 **(Against Defendants SONYA DAKAR and DOES 1-~~50~~)**

25 27. Plaintiff incorporates paragraphs 1-26 as if set forth fully herein.
26
27
28

1 28. At all material times herein, Mindys Cosmetics, Inc. has been and is
2 engaged in the manufacturing, distributing, marketing and sale of skin care
3 products in interstate commerce under the word and design marks SONYA
4 DAKAR and the trademark THE PROBLEM SKIN SPECIALISTS in close
5 proximity on labeling and packaging to the MINDYS COSMETICS trademark.
6
7
8

9 29. Plaintiff first adopted and used the trademarks SONYA DAKAR,
10 THE PROBLEM SKIN SPECIALISTS, and the MINDYS COSMETICS
11 trademarks to identify its cosmetic products in 1999. Prior to 1999, the founder of
12 Mindys Cosmetics, Inc., Israel Dakar, used the SONYA DAKAR word and design
13 trademarks on skin care products manufactured, distributed and marketed by him
14 to customers beginning in 1980.
15
16
17
18

19 30. Plaintiff Mindys Cosmetics, Inc. has spent substantial sums of
20 company funds, in excess of five million dollars, to advertise and promote
21 products bearing the SONYA DAKAR word and design trademarks, along with
22 THE PROBLEM SKIN SPECIALISTS trademark. Mindys Cosmetics, Inc. is
23 responsible for the establishment of the secondary meaning in the subject
24 trademarks and is the lawful owner of the subject trademarks. Through substantial
25 manufacturing, marketing, promotion and advertising, Mindys Cosmetics, Inc. has
26
27
28

1 created priority in the ownership of the subject trademarks by being the first to
2 establish the secondary meaning in the trademarks and MINDYS COSMETIC,
3 INC. has created substantial common law rights in each of the subject trademarks.
4

5
6 31. Plaintiff Mindys Cosmetics, Inc. has used the SONYA DAKAR
7 word and design trademarks, and the THE PROBLEM SKIN SPECIALISTS
8 trademark continuously since 1999 to identify Plaintiff's cosmetic products. In
9 this connection, plaintiff uses the SONYA DAKAR word and design trademarks
10 and THE PROBLEM SKIN SPECIALIST trademark in the promotion and
11 advertising of its skin care products, including without limitation, on labels,
12 packaging, internet advertising, brochures, invoices, and on Mindys' website.
13 Mindys' trademarks were used consistently on its marketing and promotional
14 materials.
15
16
17
18
19

20
21 32. Plaintiff Mindys Cosmetics, Inc. has been manufacturing, distributing
22 and marketing its skin care products to customers throughout the United States
23 through sales to exclusive spas and salons, and to skin care professionals
24 throughout the cosmetics industry in the United States. Plaintiff also sells its
25 products over the internet throughout the United States and internationally.
26
27
28

1 33. Plaintiff Mindys Cosmetics, Inc.'s skin care products have been and
2 continue to be extensively advertised and sold throughout the United States from
3 coast to coast, under the MINDYS COSMETICS trademark, in close proximity to
4 the SONYA DAKAR word and design trademarks, and The PROBLEM SKIN
5 SPECIALISTS trademark. By virtue of advertising and sales, together with
6 consumer acceptance and recognition, plaintiff's mark identifies plaintiff's skin
7 care products only, and distinguishes them from skin care products manufactured
8 and sold by others. Plaintiff's mark has thus become and is a valuable asset
9 symbolizing plaintiff Mindys Cosmetics, Inc., its quality skin care products and its
10 goodwill.
11
12
13
14
15

16 34. On June 3, 2008 Plaintiff Mindys Cosmetics, Inc. sent a cease and
17 desist letter to defendant Sonya Dakar informing her of Plaintiff's ownership
18 interests in the SONYA DAKAR word and design trademarks and THE
19 PROBLEM SKIN SPECIALISTS trademark requesting that Defendants cease and
20 desist from their infringing use of trademarks owned by Plaintiff Mindys
21 Cosmetics, Inc. Plaintiff is informed and believes, and thereon alleges, that
22 defendant Sonya Dakar has notice of plaintiff's ownership of the subject
23 trademarks for use on cosmetic products.
24
25
26
27
28

1 35. Defendants Sonya Dakar, and/or DOES 1-~~10~~ and each of them,
2 have infringed upon Plaintiff Mindys Cosmetics, Inc.'s ownership interests in the
3 subject trademarks by using the subject trademarks on labels and packaging
4 associated with spa services sold by Defendant Sonya Dakar to the public.
5

6
7
8 36. Plaintiff Mindys Cosmetics, Inc. is informed and believes, and
9 thereon alleges, that Plaintiff Mindys Cosmetics, Inc. is the true owner of the
10 subject trademarks and that Defendant's use of the subject trademarks in interstate
11 commerce or a manner substantially affecting interstate commerce in connection
12 with the sale, offering for sale, distribution, and advertising of services and
13 products related to cosmetics is likely to cause confusion, mistake, or deception
14 among consumers as to the source, quality, and nature of defendant's goods.
15
16

17
18
19 37. On or about June 3, 2008, plaintiff Mindys Cosmetics, Inc., by letter,
20 advised defendant Sonya Dakar of plaintiff's ownership of the SONYA DAKAR
21 word and design trademark and THE PROBLEM SKIN SPECIALISTS
22 trademark, and requested defendant Sonya Dakar to immediately cease and desist
23 from further use of the subject trademarks as either a trade name, trademark or
24 service mark. Defendants Sonya Dakar, and/or DOES 1-~~10~~ and each of them have
25 failed and refused, and continue to fail and refuse, to comply with plaintiff
26
27
28

1 Mindys Cosmetic, Inc.'s request.
2
3

4 38. Plaintiff Mindys Cosmetics, Inc. is informed and believes and
5 thereon alleges that as a proximate result of advantage accruing to defendant
6 Sonya Dakar, and/or DOES 1-~~10~~'s business from plaintiff's nationwide
7 advertising, sales, and consumer recognition, and as a proximate result of
8 confusion or deception or mistake or combination thereof caused by defendant's
9 wrongful advertising and sale of its goods, as hereinabove alleged, bearing the
10 trademarks SONYA DAKAR and THE PROBLEM SKIN SPECIALISTS,
11 defendant has made substantial sales and/or profits in the an amount to be
12 determined at trial.
13
14
15
16
17

18 39. As a proximate result of advantage accruing to defendant's business
19 from plaintiff Mindys Cosmetics, Inc. nationwide advertising, sales, and consumer
20 recognition, and as a proximate result of the confusion or deception or mistake or
21 combination thereof caused by defendant's wrongful advertising and sale of its
22 goods, as alleged above, bearing the trademarks SONYA DAKAR and THE
23 PROBLEM SKIN SPECIALISTS, plaintiff Mindys Cosmetics, Inc. has been
24 deprived of substantial sales of its cosmetic products in an amount, in excess of
25 jurisdictional limits, to be proven at trial, and has been deprived of the value of its
26
27
28

trademark as a commercial asset, in an amount to be proven at trial.

40. Plaintiff Mindys Cosmetics, Inc. is informed and believes and thereon alleges that unless restrained by this Court, based on the irreparable harm to Plaintiff's ownership interests in the subject trademarks, defendant Sonya Dakar, and/or DOES 1-~~10~~ and each of them, will continue to infringe plaintiff's trade marks, including the SONYA DAKAR word and design trademarks, and THE PROBLEM SKIN SPECIALISTS trademark, thus engendering a multiplicity of judicial proceedings, and pecuniary compensation will not afford plaintiff adequate relief for the damage to its trademarks in the minds of the public.

41. As a result of Defendants Sonya Dakar and/or DOES 1-~~10~~ and each of their actions, Plaintiff Mindys Cosmetics, Inc. has suffered, and will continue to suffer, money damages in an amount, in excess of jurisdictional limits, to be proven at trial.

42. By their conduct, defendants have caused, and unless restrained and enjoined by the court, will continue to cause irreparable harm, damage and injury to Mindys Cosmetics, Inc., warranting injunctive relief. Mindys Cosmetics, Inc.

1 has no adequate remedy at law to otherwise remedy this irreparable harm.

2
3 43. Defendants' actions were done to take unfair advantage of Mindys
4
5 Cosmetics, Inc. and were done in reckless disregard of Mindys' rights.
6
7 Defendants' actions were malicious, oppressive and fraudulent. Plaintiff Mindys
8
9 Cosmetics, Inc. requests that actual damages be trebled and an award for profits
10
11 be increased in an amount sufficient to deter the defendants from repeating this
12
13 egregious conduct in the future.

14 **FOURTH CAUSE OF ACTION**

15 **Fraudulent Concealment**

16 **(Against Defendants SONYA DAKAR, DONNA DAKAR, KIA**

17 **KAMRAN and DOES 1-~~40~~)**

18
19 44. Plaintiff incorporates paragraphs 1-43 as if set forth fully herein.

20
21
22 45. At all relevant times herein, defendant Donna Dakar was a fiduciary
23
24 and blood relative of the majority shareholders of plaintiff Mindys Cosmetics, Inc.
25
26 As the trusted relative of the majority shareholders, agent and employee of Mindys
27
28 Cosmetics, Inc., Donna Dakar was entrusted to file applications and obtain
registrations of the SONYA DAKAR word and design trademarks, and THE

1 PROBLEM SKIN SPECIALIST trademark for the benefit of Mindys Cosmetics,
2 Inc. Also, as said above, at the relevant time, Kia Kamran, Esq. was the trademark
3 attorney for Mindys Cosmetics, Inc.
4

5
6 46. Defendant Donna Dakar held ownership of the registration of the
7
8 SONYA DAKAR word and design trademarks, and THE PROBLEM SKIN
9 SPECIALIST trademark in her name as a fiduciary and agent of Mindys Cosmetics,
10 Inc. in order to assign the ownership of the trademarks to Mindys Cosmetics, Inc.
11

12
13 47. Plaintiff Mindys Cosmetics, Inc. alleges that Defendant Donna Dakar
14 failed to disclose to plaintiff Mindys Cosmetics, Inc. that defendant Donna Dakar
15 had been requested by defendant Sonya Dakar to assist in the registration of the
16 SONYA DAKAR word and design trademarks, and THE PROBLEM SKIN
17 SPECIALISTS trademark in defendant Sonya Dakar's name alone in breach of
18 defendant Donna Dakar's fiduciary duties to Mindys Cosmetics, Inc. Additionally,
19 defendant Donna Dakar actively concealed the scheme to register the subject
20 trademarks in defendant Sonya Dakar's name alone and prevented Mindys
21 Cosmetics, Inc. from discovering that fact.
22
23
24
25

26
27 48. At all times relevant herein, plaintiff Mindys Cosmetics, Inc. did not
28 know that the subject trademarks expired and were being registered under Mrs.

1 Sonya Dakar's name. At all times relevant herein, plaintiff Mindys Cosmetics, Inc.
2 did not know that Donna Dakar and Kia Kamran assisted and aided defendant Sonya
3 Dakar to register the subject trademarks in the name of Sonya Dakar alone.
4

5
6 49. Defendants Donna Dakar, Kia Kamran and Sonya Dakar intended to
7 deceive plaintiff Mindys Cosmetics, inc. by concealing the true facts that they
8 intended to register the SONYA DAKAR word and design trademarks, and THE
9 PROBLEM SKIN SPECIALISTS trademark in the name of Sonya Dakar alone in
10 order to deprive plaintiff Mindys Cosmetics, Inc. of its lawful ownership interests in
11 the subject trademarks.
12
13
14

15
16 50. Plaintiff Mindys Cosmetics, Inc. reasonably relied on Donna Dakar's
17 and Kia Kamran's deceptions and expected that Donna Dakar would register the
18 SONYA DAKAR word and design trademarks, and THE PROBLEM SKIN
19 SPECIALISTS trademark under the name of Mindys Cosmetics, Inc. in furtherance
20 of her fiduciary duties to Mindys Cosmetics, Inc.
21
22
23

24 51. Plaintiff Mindys Cosmetics, Inc. was harmed by the concealment of
25 defendants Donna Dakar, Kia Kamran and Sonya Dakar by the loss of the ownership
26 of the valuable intellectual property rights to the SONYA DAKAR word and design
27 trademarks, and THE PROBLEM SKIN SPECIALIST trademark.
28

1 52. Defendants' concealment was a substantial factor in causing harm to
2 Mindys Cosmetics, Inc. by the loss of ownership to the registrations of the subject
3 trademarks.
4

5
6 53. As a direct and proximate result of defendants' fraudulent concealment,
7 Plaintiff Mindys Cosmetics, Inc. has suffered damages, in excess of jurisdictional
8 limits, in an amount to be proven at trial.
9

10
11
12 **FIFTH CAUSE OF ACTION**

13 **Conversion**

14
15 **(Against Defendants SONYA DAKAR, KIA KAMRAN, DONNA**
16 **DAKAR and DOES 1-~~\$0~~)**

17 54. Plaintiff incorporates paragraphs 1-53 as if set forth fully herein.
18
19

20 55. At all times herein mentioned, defendant Donna Dakar was a
21 shareholder of Plaintiff Mindys Cosmetics, Inc. and also acted as an employee and
22 agent of Plaintiff Mindys Cosmetics, Inc. subject to the fiduciary duties owed to
23 Plaintiff Mindys Cosmetics, Inc. At all times herein mentioned, defendant Kia
24 Kamran was the trademark attorney for Mindys Cosmetics, Inc.
25
26

27
28 56. While acting as an agent and representative of Mindys Cosmetics, Inc.,

1 Defendants Donna Dakar, Kia Kamran, and/or DOES 1-~~10~~, and each of them,
2 caused the application of registration of the SONYA DAKAR word and design
3 trademarks and THE PROBLEM SKIN SPECIALISTS trademark owned by
4 Plaintiff Mindys Cosmetics, Inc. to be registered in the name of Defendant Sonya
5 Dakar.
6

7
8
9 57. Plaintiff Mindys Cosmetics, Inc. is the lawful owner of the SONYA
10 DAKAR word and design trademarks and THE PROBLEM SKIN CARE
11 SPECIALISTS trademark and has used the subject trademarks in interstate
12 commerce since at least 1999. Prior to 1999, the founder of Mindys Cosmetics,
13 Inc., Israel Dakar, used the subject trademarks on skin care products
14 manufactured, distributed and marketed by him to customers beginning in 1980.
15
16

17
18
19 58. Plaintiff Mindys Cosmetics, Inc. alleges on information and belief that
20 it has spent substantial sums of money, in excess of five million dollars, on
21 advertising and promotion to create the association in the minds of the public with
22 the subject trademarks and Mindys Cosmetics, Inc.
23
24

25
26 59. Defendants Donna Dakar and Kia Kamran acting as the agents of
27 defendant Sonya Dakar and/or DOES 1-~~10~~ and each of them, and acting in conflict
28

1 with her fiduciary duties to Plaintiff Mindys Cosmetics, Inc. applied for and sought
2 the registration of the SONYA DAKAR word and design trademarks and THE
3 PROBLEM SKIN SPECIALIST trademark and caused the registrations of the
4 subject trademarks to be obtained in the name of Sonya Dakar.
5
6
7

8 60. Plaintiff Mindys Cosmetics, Inc. has spent substantial sums on
9 advertising and promotion to promote skin care products bearing the SONYA
10 DAKAR word and design trademarks and THE PROBLEM SKIN SPECIALIST
11 trademark and the subject trademarks have obtained substantial value in the market
12 place in an amount to be proven at trial. Plaintiff Mindys Cosmetics, Inc. is the
13 lawful owner of the SONYA DAKAR word and design trademarks and THE
14 PROBLEM SKIN SPECIALIST trademark.
15
16
17

18
19 61. Defendants Sonya Dakar, Donna Dakar, and/or DOES 1-~~10~~ have
20 refused to assign the SONYA DAKAR word and design trademarks and THE
21 PROBLEM SKIN SPECIALIST back to the lawful owner, Mindys Cosmetics, Inc.
22
23
24

25 62. As a result of defendants' wrongful conversion of Plaintiff Mindys
26 Cosmetics, Inc. trademarks, Plaintiff Mindys Cosmetics, Inc. has suffered monetary
27 damages in excess of jurisdictional limits in an amount to be proven at trial.
28

SIXTH CAUSE OF ACTION

Legal Malpractice

(Against Defendant KIA KAMRAN and DOES 1-~~10~~)

63. Plaintiff incorporates paragraphs 1-62 as if set forth fully herein.

64. As an attorney for plaintiff Mindys Cosmetics, Inc., defendant Kia Kamran, and/or DOES 1-~~10~~ and each of them, owed a professional duty of care to the plaintiff with respect to avoiding direct conflicts of interests without obtaining the informed written consent of Mindys Cosmetics, Inc. or seeking to withdraw from representation in which a conflict arises in order to avoid harming the interests of Mindys Cosmetics, Inc. as required under California Rules of Professional Conduct, Rule 3-310 et seq.

65. Defendants Kia Kamran, and/or DOES 1-~~10~~ and each of them, breached a duty of care to Mindys Cosmetics, Inc. and committed legal malpractice by: (i) representing Mindys Cosmetics, Inc. while at the same time representing Sonya Dakar and causing the registration of the Sonya Dakar word and design trademarks to be registered in the name of Sonya Dakar, (ii) failing to advise Mindys of any actual or even potential conflict of interests which could

1 occur and obtaining Mindys written consent, (iii) and failing to withdraw from the
2 representation of either Mindys Cosmetics, Inc. or Sonya Dakar when an actual
3 conflict arose with respect to the registration of the SONYA DAKAR word and
4 design trademarks and THE PROBLEM SKIN SPECIALISTS trademark in the
5 name of Sonya Dakar causing harm to Mindys Cosmetics, Inc.'s intellectual
6 property rights in the subject trademarks. Plaintiff Mindys Cosmetics, Inc. has
7 demanded that defendant Kia Kamran, Esq. return Mindys' client file, however,
8 defendant Kia Kamran, Esq. has refused to return the client file to plaintiff Mindys
9 Cosmetics, Inc.
10
11
12
13
14

15 66. Plaintiff is informed and believes and on that basis alleges that an actual
16 conflict of interest arose with respect to the representation of Mindys Cosmetics, Inc.
17 and Sonya Dakar. Defendant Kia Kamran advised assisted and caused the SONYA
18 DAKAR word and design trademarks and THE PROBLEM SKIN SPECIALISTS
19 trademark to be registered in the name of Sonya Dakar, thereby directly harming the
20 intellectual property rights in the trademarks that Mindys Cosmetics, Inc. had spent
21 years developing and in excess of five million dollars to promote, advertise and
22 market.
23
24
25
26
27

28 67. As a direct and proximate result of said malpractice, Plaintiff Mindys

1 Cosmetics, Inc. has suffered damages in an amount to be proven at trial but in excess
2 of the jurisdictional limits of this Court.

3
4
5 **SEVENTH CAUSE OF ACTION**

6 **Breach of Fiduciary Duty**

7
8 **(Against Defendant KIA KAMRAN and DOES 1-~~10~~)**

9 68. Plaintiff incorporates paragraphs 1-67 as if set forth fully herein.

10
11
12 69. As an attorney for Mindys Cosmetics, Inc., Kia Kamran, and/or DOES
13 1-~~10~~ and each of them, owed a fiduciary duty of care to the Plaintiff with respect to
14 avoiding direct conflicts of interest without obtaining the informed written consent
15 of Mindys Cosmetics, Inc. or seeking to withdraw from representation in which a
16 conflict arises in order to avoid harming the interests of Mindys Cosmetics, Inc. as
17 required by California Rules of Professional Conduct, Rule 3-310 et seq.

18
19
20
21
22 70. Defendant Kia Kamran, and/or DOES 1-~~10~~ and each of them,
23 breached a fiduciary duty to Mindys Cosmetics, Inc. and caused harm to the legal
24 and intellectual property interests of Mindys Cosmetics, Inc. by: (i) representing
25 Mindys Cosmetics, Inc. while at the same time representing Sonya Dakar and
26 causing the registration of the SONYA DAKAR word and design trademarks and
27
28

1 THE PROBLEM SKIN SPECIALISTS trademark to be registered in the name of
2 Sonya Dakar, (ii) failing to advise Mindys of any potential conflict of interests
3 which could occur and obtaining Mindys' informed consent with respect to the
4 representation of Sonya Dakar and the registration of the SONYA DAKAR word
5 and design trademarks and THE PROBLEM SKIN SPECIALISTS trademark, (iii)
6 and failing to withdraw from the representation of either Mindys Cosmetics, Inc. or
7 Sonya Dakar when an actual conflict arose with respect to the registration of the
8 SONYA DAKAR word and design trademarks and THE PROBLEM SKIN
9 SPECIALISTS trademark in the name of Sonya Dakar alone, thereby causing harm
10 to Mindys Cosmetic, Inc.'s valuable intellectual property rights in the subject
11 trademarks. Plaintiff Mindys Cosmetics, Inc. has demanded that defendant Kia
12 Kamran, Esq. return Mindys' client file, however, defendant Kia Kamran, Esq. has
13 refused to return the client file to plaintiff Mindys Cosmetics, Inc.
14
15
16
17
18
19
20

21 71. Plaintiff is informed and believes and on that basis alleges that an actual
22 conflict of interest arose with respect to the representation of Mindys Cosmetics, Inc.
23 and Sonya Dakar. Defendant Kia Kamran advised, assisted and caused the SONYA
24 DAKAR word and design trademarks and THE PROBLEM SKIN SPECIALISTS
25 trademark to be registered in the name of Sonya Dakar, alone, thereby directly
26 harming the intellectual property rights in the trademarks that Mindys Cosmetics,
27
28

1 Inc. had spent years developing and in excess of five million dollars to promote,
2 advertise and market.
3
4

5 72. Defendants Kia Kamran and/or DOES 1-~~10~~'s conduct was a substantial
6 factor in causing harm to Mindys Cosmetics, Inc. by causing the SONYA DAKAR
7 word and design trademarks and THE PROBLEM SKIN SPECIALISTS trademark
8 to be registered in the name of Sonya Dakar, thereby denying Mindys its lawful
9 intellectual property rights in the subject trademarks.
10
11

12
13 73. As a direct and proximate result of Defendant Kia Kamran and/or
14 DOES 1-~~10~~'s breach of fiduciary duties, Plaintiff has suffered damages in an amount
15 to be proven at trial in excess of the jurisdictional limits of this Court.
16
17

18
19 **EIGHTH CAUSE OF ACTION**

20 **California Unfair Competition – Business & Professions Code Section**

21 **17200 et seq.**

22 **(Against Defendants SONYA DAKAR and DOES 1-~~10~~)**

23
24 74. Plaintiff incorporates paragraphs 1-73 as if set forth fully herein.
25
26

27
28 75. Defendants Sonya Dakar, and DOES 1-~~10~~'s use of the subject

1 trademarks and their use in commerce is likely to cause confusion to customers.
2 Defendants' acts were wanton, willful, deliberate and with the intent to avail
3 themselves of Mindys Cosmetics, Inc's reputation and goodwill associated with
4 Mindys' trademarks and unlawfully divert to defendants the trade and business of
5 Mindys Cosmetics, Inc. and to confuse and mislead the trade and the public into
6 believing that defendants are associated with Mindys Cosmetics, Inc. and that the
7 goods sold by them are products of Mindys Cosmetics, Inc.
8
9
10
11

12 76. Defendant Sonya Dakar, and DOES 1-50's willful refusal to assign the
13 SONYA DAKAR word and design trademarks and THE PROBLEM SKIN
14 SPECIALISTS to plaintiff Mindys Cosmetics, Inc. and to acknowledge Plaintiff's
15 lawful ownership rights to these trademarks constitutes unlawful and unfair
16 competition in violation of California Business and Professions Code §17200, et seq.
17 Plaintiff is informed and believes that defendant Sonya Dakar will continue to do
18 these acts unless the court orders the defendant to cease and desist and orders
19 restitution of the subject trademarks to Plaintiff Mindys Cosmetics, Inc. consistent
20 with its lawful ownership rights to the trademarks.
21
22
23
24

25
26 77. The acts of defendants described above are unlawful and constitute
27 unfair competition with Mindys Cosmetics, Inc. in violation of Mindys Cosmetics,
28

1 Inc.'s rights and in violation of California Business and Professions Code §17200, et
2 seq., and plaintiff Mindys Cosmetics, Inc. has been injured thereby.

3
4
5 **NINTH CAUSE OF ACTION**

6 **Declaratory Relief**

7
8 **(Against All Defendants)**

9
10 78. Plaintiff incorporates paragraphs 1-77 as if set forth fully herein.

11
12 79. An actual controversy has arisen and now exists between the parties
13 relating to the ownership of the SONYA DAKAR word and design trademarks,
14 Fed. Reg. Nos. 3375654 and 3384477, and the trademark THE PROBLEM SKIN
15 SPECIALISTS, Fed. Reg. No. 2436250 in which plaintiff Mindys Cosmetics, Inc.
16 desires a declaration of rights as to the ownership of each trademark.
17
18
19
20

21 80. A declaratory judgment is necessary in that plaintiff Mindys Cosmetics,
22 Inc. contends that it is the owner of the SONYA DAKAR word and design
23 trademarks and also the owner of THE PROBLEM SKIN SPECIALISTS trademark
24 and defendants deny plaintiff's ownership rights to the subject trademarks.
25 Additionally, defendants have refused to assign ownership of the subject trademarks
26 to Mindys Cosmetics, Inc. which is the lawful owner of the subject trademarks.
27
28

1 81. A declaratory judgment will serve a useful purpose in this case in
2 clarifying and settling the legal relations in issue with respect to the ownership of the
3 SONYA DAKAR word and design trademarks and also the ownership with respect
4 to THE PROBLEM SKIN SPECIALISTS trademark as between Plaintiff Mindys
5 Cosmetics, Inc. and defendant Sonya Dakar. A declaratory judgment will terminate
6 and afford relief from the uncertainty and controversy arising from the disputed
7 ownership of the subject trademarks.
8
9
10

11
12 82. Plaintiff Mindys Cosmetics, Inc. demands that the court adjudge that
13 Mindys Cosmetics, Inc. is the lawful owner of the SONYA DAKAR word and
14 design trademarks and also the owner of THE PROBLEM SKIN SPECIALISTS
15 trademark and that ownership of the subject trademarks be transferred to Mindys
16 Cosmetics, Inc.
17
18
19
20

21 **PRAYER FOR RELIEF**

22 WHEREFORE, plaintiff Mindys Cosmetics, Inc. prays for judgment
23 against Defendants, and each of them, as follows:
24

25 1. A judgment canceling the ownership of defendant Sonya Dakar
26 in the SONYA DAKAR word and design trademarks, Fed. Reg. Nos. 3375654 and
27 3384477, and the trademark for THE PROBLEM SKIN SPECIALISTS, Fed. Reg.
28

1 No. 2436250. and transferring ownership to Mindys Cosmetics, Inc. An Order
2 instructing Mrs. Sonya Dakar to transfer the federal trademark registration of the
3 subject intellectual properties to Mindys Cosmetics, Inc.
4

5 2. A judgment declaring that defendant Sonya Dakar has infringed
6 Mindys Cosmetics, Inc.'s trademarks.
7

8 3. An order enjoining and restraining, preliminarily and then
9 permanently, defendants, their agents, servants, employees, attorneys, and all
10 persons in active concert, privity or participation with them and each of them
11 individually, from doing, abiding, causing or abetting any of the following:
12

13 a. Infringing or inducing infringement of Mindys
14 Cosmetics, Inc.'s trademarks;
15

16 b. Directly or indirectly using any colorable imitation or
17 confusingly similar facsimile of Mindys Cosmetics, Inc.'s trademarks in any
18 manner;
19

20 c. Directly or indirectly using in connection with the
21 importing, exporting, manufacture, transshipping, distribution, sale, offering for
22 sale, marketing or promoting of goods which in any way bear or imitate or
23 simulate Mindys' trademarks in a manner likely to cause confusion or mistake or
24 to deceive the public or the trade;
25
26
27
28

1 d. Engaging in any acts or activities directly or indirectly
2 calculated to trade upon Mindys' trademarks, or the reputation or goodwill of
3 Mindys Cosmetics, Inc., or in any way to compete unfairly with Mindys.
4

5 4. For a judgment directing that any goods, catalogs, labels,
6 packaging, cosmetics and any other materials in the possession or under the control
7 of any of the defendants which infringe or bear Mindys' trademarks, or any
8 colorable imitation or facsimile thereof, but not emanating from Mindys, be
9 delivered up and destroyed within 30 days of entry of judgment;
10

11 5. For a judgment directing defendants to recall all infringing
12 goods, catalogs, labels, packaging, skin care products, and any other materials sold,
13 distributed, advertised or marketed which infringe or bear Mindys' trademarks, or
14 any colorable imitation or facsimile thereof, but not emanating from Mindys;
15

16 6. For a judgment directing that an accounting be had of each of
17 defendants' sales and profits and that judgment be rendered against defendants and
18 awarded to Mindys for:
19

20 a. damages in an amount to be proven at trial, together with
21 appropriate interest on such damages and that such damages be trebled;
22

23 b. all profits derived by each defendant from the sale of
24 goods by the direct or indirect use of any of Mindys' trademarks, or colorable
25 imitations or facsimiles thereof, and that such profits be trebled; and
26
27
28

1 c. all damages sustained by Mindys on account of
2 trademark infringement, unfair competition, lost business opportunities and any
3 other damage suffered by Mindys as a result of defendants' acts described in this
4 complaint, and that such damages be trebled;

5
6 7. For an order directing defendants to pay punitive damages to
7 Mindys Cosmetics, Inc.;

8
9 8. For an order directing defendants to pay restitution to Mindys;

10 9. For an order directing defendants to pay Mindys' attorneys' fees
11 and costs;

12 10. For an order that this be deemed an exceptional case and that
13 Mindys Cosmetics, Inc. recover from defendants all of Mindys' fees, costs,
14 disbursements and other expenses Mindys has incurred due to defendants' illegal
15 actions, including but not limited to reasonable attorneys' fees; and

16 11. For a judgment awarding Mindys Cosmetics, Inc. such other
17 and further relief as the court may deem just and proper.
18

19
20
21
22
23 July 7, 2008

Respectfully Submitted,

MOHAJERIAN INC.

By: 

AL MOHAJERIAN
Attorneys for plaintiff MINDYS
COSMETICS, INC.,
a California corporation

DEMAND FOR JURY TRIAL

Plaintiff respectfully requests that all causes of action herein subject to trial by jury be tried before a jury pursuant to the Seventh Amendment to the United States Constitution and Fed.R.Civ.P. Rule 38(b).

July 7, 2008

Respectfully Submitted,

MOHAJERIAN INC.

By: 

AL MOHAJERIAN
Attorneys for plaintiff MINDYS
COSMETICS, INC.,
a California corporation

MOHAJERIAN LAW INC.
1925 Century Park East, Suite 350
Los Angeles, California 90067
TEL: (310) 556-3800 FAX: (310) 556-3817